

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

PROBADO TECHNOLOGIES  
CORPORATION,

Plaintiff,

VS.

SMARTNET, INC.,

Defendant.

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CIVIL ACTION NO. C-09-349

**ORDER**

On September 10, 2010, this Court held a telephone conference regarding a discovery dispute in the above-styled action. On July 17, 2010, Defendant responded to Plaintiff's Interrogatories and Requests for Production ("RFP") with objections. Plaintiff seeks to have Defendant respond to certain RFPs and for an order requiring parties to identify with particularity document responsive to RFPs. At the hearing, the Court ordered as follows:

- (1) Defendant's objections to Requests for Production ("RFP") number 16 are overruled. Defendant is ordered to produce to Plaintiff, no later than October 12, 2010, information relevant to this RFP. No later than October 12, 2010, Defendant is to identify each document that is responsive to this RFP with particularity.
- (2) Defendant's objections to RFP number 18 are overruled. Defendant is ordered to produce to Plaintiff, no later than October 12, 2010, information relevant to this RFP. No later than October 12, 2010, Defendant is to identify each document that is responsive to this RFP with particularity.

- (3) Defendant's objections to RFP number 20 are overruled. Defendant is ordered to produce to Plaintiff, no later than October 12, 2010, information relevant to this RFP. No later than October 12, 2010, Defendant is to identify each document that is responsive to this RFP with particularity.
- (4) Defendant's objections to RFP number 21 are overruled. Defendant is ordered to produce to Plaintiff, no later than October 12, 2010, information relevant to this RFP. No later than October 12, 2010, Defendant is to identify each document that is responsive to this RFP with particularity.
- (5) Defendant's objections to RFP number 6 are overruled. Defendant is ordered to produce to Plaintiff, no later than October 12, 2010, information relevant to this RFP. No later than October 12, 2010, Defendant is to identify each document that is responsive to this RFP with particularity.
- (6) Defendant's objections to RFP number 24 are overruled. Defendant is ordered to produce to Plaintiff, no later than October 12, 2010, information relevant to this RFP. No later than October 12, 2010, Defendant is to identify each document that is responsive to this RFP with particularity.
- (7) No later than October 12, 2010, Defendant is to identify each document that is responsive to RFP numbers 26 and 31 with particularity.
- (8) The phrase "government" in the Interrogatories and RFPs means the federal government and includes the Defense Information Systems Agency, which is the parent command of the Defense Information Technology Contracting Organization ("DITCO").

- (9) Defendant shall notify the United States within 5 days of this Order as to the nature of the classified information to be disclosed to Plaintiff in case the United States wants to apply for protection.

SIGNED and ORDERED this 23rd day of September, 2010.

A handwritten signature in black ink, reading "Janis Graham Jack", written over a horizontal line.

Janis Graham Jack  
United States District Judge